IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 279 of 2006 (S/B)

1. Dev Ram Tamta S/o Sri L.R. Tamta,
   Sub Inspector of Uttaranchal Police,
   Posted at Police Station Kichha,
   District Udham Singh Aagar.
2. Gopal Singh S/o Bahadur Singh,
   Sub-Inspector of Uttaranchal police,
   Posted at Police Station Gadarpur,
   District Udham Singh Nagar.
3. Govind Lal Shah S/o Late Sri Gusain Lal Shah,
   Sub-Inspector of Uttaranchal Police,
   Posted at Police Station Pant Nagar,
   District Udham Singh Nagar.
4. Jagdish Chandra Bhatt S/o Late Sri B.D. Bhatt,
   Sub-Inspector of Uttaranchal Police,
   Posted at Police Station Kotwali Rudrapur,
   District Udham Singh Nagar. …… Petitioners

Versus

1. State of Uttaranchal,
   through Secretary (Home),
   Uttaranchal Govt., Dehradun.
2. Director General of Police,
   Uttaranchal, Dehradun.
3. Inspector General of Police,
   Karmik, Uttaranchal Govt.,
   Dehradun.
4. Inspector General of police,
   Kumaon Range, Nainital.
5. Senior Superintendent of Police,
   Udham Singh Nagar. …… Respondents

Mr. S.K. Mandal, Advocate for the petitioners.
Mr. Nanak Chand Gupta, Standing Counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. S.K. Mandal, Advocate for the petitioners.

Mr. Nanak Chand Gupta, Standing Counsel for the respondents.

2. Mr. Nanak Chand Gupta, the learned Standing Counsel for the respondents, placing reliance on the Division Bench decisions in the cases of **Bhuvan Chandra Pandey & others Vs. State of Uttaranchal & others** reported in **2006(2) U.D. 439** and **Nanda Ballabh Pant Vs. State of Uttaranchal & others (W.P.S.B. No. 257 of 2005),** has raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioners have an alternative efficacious remedy of filing a claim petition before the Public Services Tribunal for the reliefs sought by the petitioners in this writ petition.

3. Mr. S.K. Mandal, the learned counsel for the petitioners could not demonstrate as to how the reliefs sought by the petitioner in the writ petition cannot be granted by the Public Services Tribunal.

4. In view of the availability of alternative efficacious remedy to the petitioners of filing a claim petition before the Public Services Tribunal and following the Division Bench decisions in the case of **Bhuvan Chandra Pandey & others Vs. State of Uttaranchal & others** reported in **2006(2) U.D. 439** and in the case of **Nanda Ballabh Pant Vs. State of Uttaranchal & others (W.P.S.B. No. 257 of 2005),** we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

5. The writ petition, therefore, is liable to be dismissed and is hereby dismissed with the liberty to the petitioners to file a claim petition before the Public Services Tribunal for the redressal of the grievances projected in this writ petition.

6. With the above order, CLMA No. 11343 of 2006 also stands dismissed.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C. J.)**
20.02.2007 20.02.2007

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